

**REMARKS**

Review and reconsideration on the merits are requested.

See the later **request for a telephone interview**.

**Basis for Claim Amendments**

Claim 1 is amended to exclude Ni and Cr using “consisting essentially of” and to limit the matrix to a ferrite based microstructure. Support for “consisting essentially of”, i.e., the exclusion of Ni and Cr, can be found at Examples 1-15, 24-39, and 40-74 of Table 1. These examples do not include Ni and Cr and when construed in light of paragraphs [0085] - [0088] support the exclusion of Ni and Cr by “consisting essentially of” due to the detrimental effects described in paragraphs [0085] - [0088].

Paragraphs [0085] - [0088] teach that Ni and Cr amounts should be limited and, when considered with the indicated Examples, it is quite clear that the absence of Ni and Cr is at the point of the invention in the working Examples which reflect preferred embodiments of the invention.

The language “a structure comprising a matrix based on a ferrite phase both in an as-cast state and after heat treatment.” Finds support at paragraphs [0128] and [0126] (description regarding “ferritization” by heat treatment) in the specification.

Claim 25 is also amended to exclude Ni and Cr.

**Claim Rejections - 35 U.S.C. § 112**

With respect to the Examiner’s position that claim 1 is indefinite because it recites “1.0% or less of the graphite-spheroidizing element” yet the total sum of the upper limit range of the listed spheroidizing elements (S, rare earth element and Mg) equals 0.27%, Applicants

respectfully submit that “consisting essentially of” on the graphite-spheroidizing element means that other graphite-spheroidizing elements can be present, for example, Ca. See paragraph [0082] of the present specification.

Thus, Applicants respectfully submit that claim 1 is not indefinite.

However, **a telephone interview is respectfully requested on this point.**

Withdrawal is requested.

### **The Prior Art**

JP-655 or DE-821, admitted prior art.

### **Claims Rejections - 35 U.S.C. § 103**

Claims 1, 7-19, 21 and 23-25 were rejected under the above section as being unpatentable over JP-655 or DE-821, alone, or in view of admitted prior art in paragraph [0003] of the specification.

These rejection are respectfully traversed.

The Examiner’s position is set forth in the Action and will not be repeated here except as necessary to an understanding Applicants’ traversal which is now presented.

### **Traversal**

Amended claim 1 excludes Ni and Cr and thus distinguishes JP-655 and DE-821, because Ni and Cr are indispensable elements for both of these items of prior art.

It is disclosed in paragraphs [0085]-[0088] of the specification that Ni and Cr are not preferable in the present invention. This limitation closely correlates with  $A_{c1}$  transformation point of 840°C or higher recited in claims 14 and 19.

Further, the microstructure of the present invention comprises a ferrite based matrix not only in an as cast state but also after heat treatment. On the other hand, the microstructure of the prior art does not comprise a ferrite phase rather, it comprises martensite, austenite, a mixture of martensite and austenite, or bainite to martensite, even if it comprises a ferrite phase in as cast state. Thus, amended claim 1 distinguishes the cited prior art.

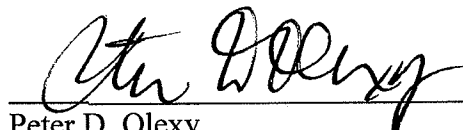
Accordingly, amended claim 1 is not obvious over JP-655 and DE-821 alone or in view of paragraph [0003] in the present specification.

Withdrawal is requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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